

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION**

**JACLYN MARIE BENTLEY AND ELMER
ELLSWORTH POTHOF,**

Plaintiffs,

vs.

**STATE FARM INSURANCE COMPANIES
[STATE FARM FIRE & CASUALTY
COMPANY],**

Defendant.

No. 3:15-cv-00052-SMR-SBJ

**STATE FARM INSURANCE COMPANIES
[STATE FARM FIRE & CASUALTY
COMPANY],**

Counterclaim-Plaintiff,

vs.

**JACLYN MARIE BENTLEY AND ELMER
ELLSWORTH POTHOF,**

Counterclaim-Defendants.

No. 3:15-cv-00052-SMR-SBJ

ANSWER TO COUNTERCLAIM

COME NOW the Plaintiffs/Counterclaim-Defendants, Jaclyn Marie Bentley and Elmer Ellsworth Pothof, by and through their attorney at law, John C. Wagner, and for their Answer to Counterclaim state to the Court as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied for lack of information as to details regarding insurance policy number.

5. Denied for lack of information.
6. Agreed that a fire occurred at the Property on May 25, 2014, causing damage to the Property and its contents. Denied for lack of information as to whether the fire damaged neighboring property.
7. Denied for lack of information as to the identification number for the claim, admitted that Counterclaim-Defendants made a claim to State Farm.
8. Denied.
9. Denied for lack of information.

COUNT I- DECLARATORY JUDGMENT/RESTITUTION

10. This paragraph requires no response.
11. Denied that the Policy is voidable and denied that the reasons provided for voiding the Policy are true.
12. Denied that State Farm is entitled to restitution.

WHEREFORE, Counterclaim-Defendants pray that Counterclaim-Plaintiff's counterclaim be denied with all costs assessed to Counterclaim-Plaintiff and Counterclaim-Defendants seek such further relief as the Court deems just.

COUNT II – FRAUDULENT MISREPRESENTATION

13. This paragraph requires no response.
14. Denied that Plaintiff Jackie Bentley made any material representations that she knew were false, as alleged.
15. Denied that there were material misrepresentations made.
16. Denied that Jackie Bentley intended to deceive State Farm in order to collect insurance benefits.

17. Denied for lack of information.

WHEREFORE, Counterclaim-Defendants pray that Counterclaim-Plaintiff's counterclaim be denied with all costs assessed to Counterclaim-Plaintiff and Counterclaim-Defendants seek such further relief as the Court deems just.

JURY DEMAND

Plaintiffs/Counterclaim-Defendants Jaclyn Marie Bentley and Elmer Ellsworth Pothof hereby demand a jury trial on all issues so triable.

Date: June 25, 2015

By: /s/ John C. Wagner
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ATTORNEY FOR COUNTERCLAIM-DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of June, 2015, I electronically filed the foregoing with the Clerk of the U.S. District Court for the Southern District of Iowa, Davenport Division, using the ECF system which will send notification of such filing to the following:

COUNSEL FOR THE DEFENDANT/COUNTERCLAIM PLAINTIFF

J. Michael Weston
E-mail: mweston@lwclawyers.com

Benjamin M. Weston
E-mail: bweston@lwclawyers.com

I certify under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of June, 2015, in Amana, Iowa.

/s/ Laura Dietrich